

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 2402 - HB 2404**

February 19, 2018

**SUMMARY OF BILL:** Requires a judge to order defendants in domestic violence cases to complete an approved counseling program as an addition to the defendant's sentence.

**ESTIMATED FISCAL IMPACT:**

**Increase Local Expenditures – \$262,700 Incarceration\***

Assumptions:

- Tennessee Code Annotated § 39-13-111 prohibits domestic assault and gives the court discretion to order a defendant to seek counseling as a part of the defendant's sentence.
- The proposed legislation requires rather than authorizes the judge to order the defendant in domestic assault cases to either complete a substance abuse program or a batterer's intervention program in addition to any other sentence imposed by the court.
- If the defendant doesn't complete the required counseling program in the time specified, it will result in a revocation of the defendant's participation in the program and the remainder of their sentence that has not been served at the time of the violation may be executed.
- Statistics from the Administrative Office of the Courts show an average of 774 convictions per year over the last five years for Class A, B, and C misdemeanor domestic assault. These statistics represent convictions at the state court level. It is assumed that only 10 percent of misdemeanor convictions are at the state court level. It is assumed that there are a total of 7,740 ( $774 \times 10$ ) per year for violations of Tenn. Code Ann. § 39-13-111.
- Of these 7,740 convictions, it is assumed that 10 percent, or 774 ( $7,740 \times 0.10$ ) are currently receiving counseling as ordered by the court.
- The proposed legislation would require that the court mandate counseling in all domestic assault violations, resulting in 6,966 ( $7,740 - 774$ ) additional offenders receiving counseling.
- Two percent, or 139 ( $6,966 \times .02 = 139.32$ ), of the 6,966 offenders receiving counseling will not complete the counseling ordered by the court in the time period required, thus revoking their participation in the counseling program and requiring them to serve out the remainder of their sentence.
- The revocation of their sentence would result in 139 offenders having to serve time for these violations in local jails. It is assumed that the average time served by these offenders is 30 days.

- The estimated 2018 cost per inmate per day for local jails is \$63.00.
- The proposed legislation will increase local incarceration costs by \$262,710 (139 offenders x 30 days x \$63.00).
- Any impact to the caseloads of the courts, public defenders, and district attorneys can be accommodated within their existing resources.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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